IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

MACA.No. 34 of 2003()

OPMV.631/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MUVATTUPUZHA

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APPELLANT/PETITIONER:

N.Y.MATHAI, AGED 58 YEARS,
SON OF PAULOSE, SOORAJ BHAVAN, OLIYAPPURAM KARA,
KARIMPANA POST, THIRUMARADY VILLAGE,
KOOTHATTUKULAM.

BY ADV. SRI.ANIL S.RAJ

RESPONDENTS/ RESPONDENTS:

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1. RAMACHANDRAN, S/O. KUTTAPPAN,
KOOLICHIRAYIL HOUSE, ARPPUKKARA KARA
VILLOONNY VILLAGE, KOTTAYAM DISTRICT.

2. SUSAN KURIAN W/O. K.J.KURIAN,
KOLTHUPARAMBIL HOUSE, KALAPPUZHA, KOTTAYAM.

3. ORIENTAL INSURANCE CO.LTD., BRANCH
OFFICE, THODUPUZHA.

4. MANAGING DIRECTOR K.S.R.T.C.,
THIRUVANANTHAPURAM.

BY ADV. SRI.VPK.PANICKER
SRI.VPK.PANICKER

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

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M.A.C.A. No. 34 OF 2003

Dated this the 22nd day of June, 2007

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JUDGMENT

The petitioner in O.P.(M.V).No.631/1999 on the file of Motor Accidents Claims Tribunal, Muvattupuzha is the appellant. The petitioner filed a petition claiming compensation alleging that he was a victim of road traffic accident which occurred at 3.00 p.m. on 20.12.1994. It was alleged that the petitioner was a passenger in a stage carriage bus owned by 4th respondent, bearing registration No. KL-15/1797. It was averred that a collusion took place between the bus owned by 4th respondent and a lorry bearing registration No. KRK 7894, driven by the first respondent and he sustained injuries. It was averred that he was admitted to Govt. Hospital, Koothattukulam where he was treated as impatient for three days and referred to Nedumchalil Trust Hospital, Muvattupuzha where he was impatient for 10 days. 3rd respondent filed a written statement contending that petitioner was not involved in the accident involving the bus and lorry, as stated in the Original Petition. It was contented that the

application was barred by limitation. It was contended that the appellant did not sustain any injury in that accident. The 4th respondent filed a written statement contending that the accident occurred due to the negligence of the 1st respondent. The main dispute which arise for consideration is whether the appellant sustained any injuries in the accident involving the KSRTC bus bearing registration No. KL-15/1797 and a lorry bearing registration No. KRK 7894. According to the petitioner, he sustained injuries at 3.00 p.m. There is record to show that a collision took place between the stage carriage bus owned by 4th respondent and a lorry bearing registration No. KRK 7894 at 3.00 p.m. on 20.12.1994. But there is no mention of the appellant's name in any records pertaining to that case. The appellant produced Ext.A1 OP ticket. It shows that the appellant was examined by a Doctor, Govt. Hospital, Koothattukulam on 20.12.1994. But the time of accident noted in Ext.A1 is 1.30 p.m. and not 3.00 p.m. Ext.X1 wound register maintained in the hospital and Ext.X2 police intimation conclusively shows that the case of the appellant was not true. As already stated, his claim

was that he was treated as impatient for three days and discharged and referred to another hospital wherein he was treated as impatient for 10 days. There is nothing on record to show that he was admitted and treated as impatient. On the other hand, the evidence adduced in the case shows that petitioner went to hospital after two days and got himself admitted. After analysing the entire evidence on record, the Tribunal came into right conclusion that the petitioner did not sustain any injury in the accident took place involving a KSRTC bus owned by 4th respondent and a lorry bearing registration No. KRK 7894. This is a finding of fact based on good evidence and I do not find any reason to take any different view from the one taken by the Tribunal. I confirm the same. There is no merit in the appeal and the same is only to be dismissed.

In the result, the appeal is dismissed.

K.PADMANABHAN NAIR
JUDGE.

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